

zens of McLennan county, Texas, requesting support of bill amending the present law so as to permit Texas corporations to borrow money on the credit of the corporation in excess of its authorized capital stock.

By Lieutenant Governor Mayes:

Letter from Houston, Texas, Chapter, D. A. R., reading as follows:

San Jacinto Chapter, Daughters of the Republic of Texas, respectfully request that you give your assistance to the passage of the bill introduced by Senator Real and others, and known as the Alamo Bill.

Respectfully,

MRS. J. J. McKEEVER, President,
San Jacinto Chapter, Daughters of the Republic of Texas.

MRS. C. H. MILBY, Secretary.

By Senator Johnson:

Petitions numerous signed by citizens of his district requesting support of Senate bill No. 19, the Full Crew bill.

By Senator Terrell:

Numerous petitions signed numerous by citizens of Waco and McLennan county, Texas, asking support of the two bills authorizing the Cotton Belt Railway Company to consolidate certain lines in Texas.

By Senator Lattimore:

Copy of resolutions passed by a meeting of Tarrant county, Texas, at Fort Worth, endorsing a road law which had been prepared and presented to the meeting.

By Senators Taylor, Townsend and Lieutenant Governor Mayes:

Numerous petitions and telegrams signed numerous by citizens of towns and members of State organizations in Texas, requesting support of an effort to pass the Katy consolidation bill over the Governor's veto.

By Senator Weinert:

Numerous petitions signed numerous by farmers and business men of Lockhart, Texas, protesting against passage of the bill providing for the growing of cotton for seed purposes by convicts in the State penitentiaries.

By Senator Paulus:

Numerous petitions signed numerous by citizens of various counties of Texas requesting the Legislature to submit to a vote of the people of Texas amendments to the Constitution, intro-

duced by Senator Paulus, providing for a tax equal to its full rental value on all land (excepting homesteads of 200 acres) held for speculation or not in actual cultivation, and providing further, that certain classes of property may by majority vote be exempted from taxation.

THIRTY-THIRD DAY.

Senate Chamber,

Austin, Texas,

Wednesday, February 26, 1913.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum present, the following Senators answering to their names:

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.
McNealus.	

Absent—Excused.

Greer.

Weinert.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Johnson, the same was dispensed with.

(See Appendix for petitions and memorials and standing committee reports.)

BILLS AND RESOLUTIONS.

By Senator McNealus:

Senate bill No. 361, A bill to be entitled "An Act to grant the charter of the Bankers' Guarantee Life and Pension Company, of Dallas Texas."

Read first time and referred to Committee on Insurance, Statistics and History.

Morning call concluded.

By unanimous consent, after the conclusion of the morning call.

By Senator Murray:

Senate bill No. 362, A bill to be entitled

"An Act to authorize, empower and permit Aransas county, upon a vote of two-thirds majority of the resident property taxpayers, voting thereon, who are qualified electors of said county, to issue bonds, or otherwise lend its credit in any amount, not to exceed one-fourth of the assessed valuation of the real property of said Aransas county, and to levy and collect taxes to pay the interest on said bonds and to provide a sinking fund for the redemption thereof, for the purpose of laying out, opening, constructing and maintaining a public road and highway or causeway across the waters of Aransas Bay, between Lamar Peninsula and Live Oak Peninsula, in said county, so as to connect the public road system of said county lying north of Copano Bay with the public road system of said county of Live Oak Peninsula, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Murray:

Senate bill No. 363, A bill to be entitled "An Act to amend Section 3, Chapter 45, Acts of the Regular Session of the Thirty-second Legislature, so as to provide that no railroad company, terminal railroad company, suburban railroad company, or interurban railroad company, shall ever be permitted to build its main line nearer the shore line or water line of Aransas Harbor than four thousand feet except at the point where it may enter upon Harbor Island, and where it may enter upon the harbor, or at the point where it turns into connect with terminal tracks, docks, wharves, shipyards, coal shutes and appurtenances connecting with the harbor."

Read first time and referred to Committee on Internal Improvements.

By Senator Collins:

Senate bill No. 364, A bill to be entitled "An Act making an appropriation to defray the expenses of printing the annotated revised statutes, civil and criminal, and of supervision of said printing, as provided by the Acts of March 11, 1911, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Cowell:

Senate bill No. 365, A bill to be entitled "An Act to amend Article 1231, Chapter 3, Title 17, of the Penal Code of the State of Texas, and to add thereto Articles 1231a and 1231b, in regard to

and defining cruelty to animals, and fixing a penalty therefor."

Read first time and referred to Judiciary Committee No. 2.

By Senator Vaughan:

Senate bill No. 366, A bill to be entitled "An Act making an appropriation to defray the expenses of printing the Revised Statutes, civil and criminal, 1911 completed, and of supervision of said printing, as provided by the Act of March 11, 1911, known as Senate bill No. 11, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Lattimore:

Senate bill No. 367, A bill to be entitled "An Act to amend Article 23 of Chapter 1, Title 1, of the Code of Criminal Procedure of the Revised Statutes of 1911."

Read first time and referred to Judiciary Committee No. 1.

By Senator Watson:

Senate bill No. 368, A bill to be entitled "An Act to amend Section 15a, Chapter 30, of the Special Laws of the Thirty-second Legislature, entitled 'An Act to amend Sections 7 and 8, Chapter 34, of the Special Laws of the Regular Session of the Thirtieth Legislature, entitled "An Act to create a more efficient road system for Washington county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, etc.," and to add to said chapter Section 15a and 15b, conferring upon the commissioners court of said county the authority to employ a person, with a salary not to exceed one hundred dollars per month, to work under the orders of said court for the purpose of carrying out the provisions of said chapter,' and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Terrell:

Senate bill No. 369, A bill to be entitled "An Act to amend Articles 3827, 3838 and 3830 of Title 57, Chapter 1, of the Revised Civil Statutes of the State of Texas of 1911, prescribing the nature and kind of bond that is required of commission merchants, providing where suit may be brought upon bond; providing further that said commission merchant will promptly receive and sell such produce, goods, wares or merchandise, and class the same; providing that such commission merchant send to the consignor a full and complete account

of sales of procedure, goods, wares or merchandise received from the consignor; providing that said commission merchant shall, within five days after said produce, goods, wares or merchandise are sold, send to the consignor the full amount received for same, less the commission due said commission merchant; and providing for a penalty, and by adding to said title and chapter Article 3833, which prescribes the duties of all persons shipping produce, goods, wares or merchandise on consignment to a commission merchant on commission, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

HOUSE BILL NO. 83.

The Chair laid before the Senate, on third reading and regular order,

House bill No. 83, A bill to be entitled "An Act creating an independent school district, to be known as Driscoll Independent School District, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—25.

Astin.	Murray.
Bailey.	Nugent.
Brelsford.	Paulus.
Carter.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Johnson.	Vaughan.
Kauffman.	Warren.
Lattimore.	Watson.
McNealus.	Westbrook.
McGregor.	Wiley.
Morrow.	

Present—Not Voting.

Conner.

Absent.

Collins. Willacy.

Hudspeth. Absent—Excused.

Greer. Weinert.

HOUSE BILL NO. 282.

The Chair laid before the Senate, on third reading and regular order,

House bill No. 282, A bill to be entitled "An Act to provide a more efficient road law for Harris county."

The bill was read third time and passed by the following vote:

Yeas—27.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	

Absent.

Collins. Willacy.

Absent—Excused.

Greer. Weinert.

Senator Bailey moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 362.

The Chair laid before the Senate, on third reading and regular order,

House bill No. 362, A bill to be entitled "An Act to create a more efficient road system for Gonzales county, Texas, and making the county commissioners ex-officio road commissioners, fixing their salaries and prescribing their duties, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—27.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	

Absent.

Collins. Willacy.

Absent—Excused.

Greer. Weinert.

HOUSE BILL NO. 5.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 5, A bill to be entitled "An Act to authorize the commissioners court of any county in this State to levy and collect a tax not to exceed 5 cents on each \$100 of assessed valuation of the county for one year for the purchase and improvement of lands for county parks, and providing the manner of acquiring lands for park purposes, including the right to condemn lands for such purpose, and providing for the management and control of said county parks."

The bill was read, and pending discussion, on motion of Senator McNealus was laid on the table subject to call.

HOUSE BILL NO. 451.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 451, A bill to be entitled "An Act creating a complete road law for Hamilton, county, Texas, including all matters germane or appertaining thereto; also repealing all laws or parts of laws, both general and special, in conflict, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and passed to a third reading.

On motion of Senator Conner, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.	Murray.
Bailey.	Nugent.
Brelsford.	Paulus.
Carter.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.
McNealus.	

Absent.

Collins.	Morrow.
	Absent—Excused.
Greer.	Weinert.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.

Absent.

Collins.	Absent—Excused.
Greer.	Weinert.

Senator Conner moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 60.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 60, A bill to be entitled "An Act to increase the authority and duties of the commissioners court of Hopkins county, Texas, and of the county commissioners of said county; to require said commissioners to devote their entire time to the affairs of said county; to fix the salaries of the members of said court; and to provide for the submission hereof to a vote of the qualified voters of said county, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and passed to a third reading.

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Darwin.
Bailey.	Gibson.
Brelsford.	Hudspeth.
Carter.	Johnson.
Conner.	Kauffman.
Cowell.	Lattimore.

McGregor.	Terrell.
McNealus.	Townsend.
Morrow.	Vaughan.
Murray.	Warren.
Nugent.	Watson.
Paulus.	Westbrook.
Real.	Wiley.
Taylor.	Willacy.

Absent.

Collins.

Absent—Excused.

Greer.

Weinert.

The bill was read third time and passed by the following vote:

Yeas—27.

Astin.	Murray.
Bailey.	Nugent.
Brelsford.	Paulus.
Carter.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.
Morrow.	

Absent.

Collins.

McNealus.

Absent—Excused.

Greer.

Weinert.

Senator Darwin moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 26, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

Senate Concurrent Resolution No. 8, Relating to the reception and final interment of the remains of Joanna Troutman.

The Speaker of the House appointed Hon. Louis J. Wortham to represent the House on this occasion.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

HOUSE BILL NO. 82.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 82, A bill to be entitled "An Act to amend Sections 2, 14 and 16 of an act creating a special road law for Polk county, Special Laws of 1909, so as to allow additional pay for teams and drivers, to provide additional pay for county commissioners, and to provide additional compensation for county superintendents of public roads, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and passed to a third reading.

On motion of Senator Nugent, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.

Absent.

Collins.

Absent—Excused.

Greer.

Weinert.

The bill was read third time and passed by the following vote:

Yeas—27.

Astin.	Murray.
Bailey.	Nugent.
Brelsford.	Paulus.
Carter.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Gibson.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.
Morrow.	

Absent.

Collins. Darwin.
Absent—Excused.
Greer. Weinert.

Senator Nugent moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 240.

The Chair laid before the Senate, on second reading and regular order.

House bill No. 240, A bill to be entitled "An Act to authorize and permit the Crosbyton Independent School District to increase its territory and to incorporate the whole thereof as an independent school district for free school purposes only, to be known as the Crosbyton Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation for free school purposes only, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Johnson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.

Absent.

Collins.
Absent—Excused.
Greer. Weinert.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.

Absent.

Collins.
Absent—Excused.
Greer. Weinert.

Senator Johnson moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Hudspeth:

Whereas, The bombastic and effusive ex-Senator F. Chas. Hume, Jr., from Buffalo Bayou, is now in the city, therefore be it

Resolved, That the old boy be invited to address the Senate on the subject of what is now on his mind and that he be accorded the privileges of the floor of the Senate.

ASTIN.
HUDSPETH.
WATSON.

The resolution was read and adopted.

The Chair appointed the signers of the resolution as a committee to escort ex-Senator Hume to the President's chair, whereupon he briefly addressed the Senate.

HOUSE BILL NO. 258.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 258, A bill to be entitled "An Act to amend Section 11 of an act of the Twenty-eighth Legislature, entitled 'An Act to create a more efficient road system for Palo Pinto and Bosque counties,' Special Laws 1903, page 135, so as to provide that the com-

missioners of Palo Pinto county, for their services as road commissioners, shall receive the sum of \$3.00 per day, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Taylor, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Astin.	McNealus.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.

Absent.

Collins.	Real.
Morrow.	

Absent—Excused.

Greer.	Weinert.
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The bill was read third time and passed by the following vote:

Yeas—27.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.
McNealus.	

Absent.

Collins.	Real.
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Absent—Excused.

Greer.	Weinert.
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Senator Taylor moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 274.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 274, A bill to be entitled "An Act to amend Section 14 of the Panola and Llano County Road Law, passed by the Twenty-seventh Legislature of the State of Texas, being 'An Act to create a more efficient road system for Panola and Llano counties, Texas, and making the county commissioners of said counties ex-officio road commissioners, and prescribing their duty as such, and providing for the appointment of road overseers, defining their duties, and for the working of the county convicts upon the roads of said counties; and to provide for the summoning of teams for road work and for allowances of time for road services for same and fixing penalties for violations of this act, and to repeal all laws in conflict with this act as to Panola and Llano counties,' and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill read second time and passed to a third reading.

On motion of Senator Taylor, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Johnson.	Vaughan.
Hudspeth.	Warren.
Kauffman.	Watson.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.

Absent.

Collins.

Absent—Excused.

Greer.	Weinert.
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The bill was read third time and passed by the following vote:

Yeas—27.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Townsend.
Gibson.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.
McNealus.	

Absent.

Collins. Terrell.

Absent—Excused.

Greer. Weinert.

Senator Taylor moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 284.

The Chair laid before the Senate, on second reading and regular order.

House bill No. 284. A bill to be entitled "An Act to create the Golden Independent School District, known as common school district No. 24 in Wood county, Texas; to provide for the election of trustees, for the raising of revenue, issuing bonds, building and maintaining schoolhouses, maintaining public free schools, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Westbrook, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Astin.	Hudspeth.
Bailey.	Johnson.
Carter.	Kauffman.
Conner.	Lattimore.
Cowell.	McGregor.
Darwin.	McNealus.
Gibson.	Morrow.

Murray.	Vaughan.
Nugent.	Warren.
Paulus.	Watson.
Real.	Westbrook.
Taylor.	Wiley.
Townsend.	Willacy.

Absent.

Brelsford. Terrell.

Collins. Absent—Excused.

Greer. Weinert.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Paulus.
Cowell.	Taylor.
Darwin.	Townsend.
Gibson.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.

Absent.

Terrell.

Absent—Excused.

Greer. Weinert.

Senator Westbrook moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 288.

The Chair laid before the Senate, on second reading and regular order.

House bill No. 288. A bill to be entitled "An Act to create a more efficient road law for Cass county, making the county commissioners ex-officio road supervisors, defining their duties, fixing their salaries, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Taylor, the constitutional rule requiring bills to be read on three several days was suspended and

the bill put on its third reading and final passage by the following vote:

Yeas—27.

Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Paulus.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Townsend.
Gibson.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.
McNealus.	

Absent.

Astin.	Terrell.
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Absent—Excused.

Greer.	Weinert.
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The bill was read third time and passed by the following vote:

Yeas—27.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Taylor.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Hudspeth.	Watson.
Johnson.	Westbrook.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Murray.	Terrell.
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Absent—Excused.

Greer.	Weinert.
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Senator Taylor moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 296.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 296, A bill to be entitled "An Act to create a more efficient road

law for Cherokee county, Texas, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Townsend, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Taylor.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Hudspeth.	Watson.
Johnson.	Westbrook.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Murray.	Terrell.
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Absent—Excused.

Greer.	Weinert.
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The bill was read third time and passed by the following vote:

Yeas—26.

Bailey.	Morrow.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.

Absent.

Astin.	Murray.
McNealus.	

Absent—Excused.

Greer.	Weinert.
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Senator Townsend moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 361.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 361, A bill to be entitled "An Act creating Rising Star Independent School District, in Eastland county, Texas, and also containing territory in Brown county, Texas, providing for a board of trustees in said independent school district and conferring upon said district and its board of trustees all of the rights, powers, privileges and duties now conferred and imposed by the general laws of this State upon independent school districts and the board of trustees thereof; providing that the taxes assessed for the old Rising Star Independent School District for the year 1913, shall be collected and paid to the treasurer of said Rising Star Independent School District, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Brelsford, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Bailey.	McNealus.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Paulus.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Hudspeth.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
Lattimore.	Westbrook.
McGregor.	Wiley.

Absent.

Astin.	Townsend.
Gibson.	Willacy.
Morrow.	

Absent—Excused.

Greer.	Weinert.
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The bill was read third time and passed by the following vote:

Yeas—24.

Bailey.	Conner.
Brelsford.	Cowell.
Carter.	Darwin.
Collins.	Hudspeth.

Johnson.	Real.
Kauffman.	Taylor.
Lattimore.	Terrell.
McNealus.	Townsend.
Morrow.	Vaughan.
Murray.	Warren.
Nugent.	Westbrook.
Paulus.	Wiley.

Absent.

Astin.	Watson.
Gibson.	Willacy.
McGregor.	

Absent—Excused.

Greer.	Weinert.
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Senator Brelsford moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 367.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 367, A bill to be entitled "An Act creating an independent school district known as the White Rock Independent School District, and prescribing the metes and bounds of same, and providing for the creation of a board of trustees for the same, and authorizing said board of trustees to levy, assess and collect special taxes and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within said district, and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authority of said board of trustees, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Cowell, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Bailey.	Hudspeth.
Brelsford.	Johnson.
Carter.	Kauffman.
Collins.	Lattimore.
Conner.	McNealus.
Cowell.	Murray.
Darwin.	Nugent.

Paulus.
Real.
Taylor.
Terrell.
Townsend.

Vaughan.
Warren.
Westbrook.
Wiley.

Absent.

Astin.
Gibson.
McGregor.

Morrow.
Watson.
Willacy.

Absent—Excused.

Greer. Weinert.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Paulus.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
Lattimore.	Westbrook.
McGregor.	Wiley.

Absent.

Willacy.

Absent—Excused.

Greer. Weinert.

Senator Cowell moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 374.

The Chair laid before the Senate, on second reading and as regular order,

House bill No. 374, A bill to be entitled "An Act to render more effective and efficient the present road law of the State of Texas, in its application and operation in the county of Childress; providing that county commissioners shall be created road commissioners of their respective commissioners' precincts of said county, fixing compensation, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Lattimore, the

constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Astin.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Paulus.
Cowell.	Real.
Darwin.	Taylor.
Gibson.	Terrell.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Kauffman.	Warren.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.

Absent.

Bailey. Watson.
Conner.

Absent—Excused.

Greer. Weinert.

The bill was read third time and passed by the following vote:

Yeas—26.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Warren.
Kauffman.	Westbrook.
Lattimore.	Wiley.
McNealus.	Willacy.

Absent.

Conner. Watson.
McGregor.

Absent—Excused.

Greer. Weinert.

Senator Johnson moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 395.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 395, A bill to be entitled "An Act creating and establishing the Angleton Independent School District, in Brazoria county, Texas, and defining its boundaries, providing for its management and control under the general laws relating to independent school districts, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Kauffman, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Astin.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.

Absent.

Bailey.	Morrow.
Conner.	

Absent—Excused.

Greer.	Weinert.
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The bill was read third time and passed by the following vote:

Yeas—24.

Astin.	McNealus.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
Lattimore.	Westbrook.
McGregor.	Wiley.

Absent.

Bailey.	Murray.
Conner.	Willacy.
Morrow.	

Absent—Excused.

Greer.

Weinert.

Senator Kauffman moved to reconsider the vote by which the bill was passed and lay that motion on the table. The motion to table prevailed.

HOUSE BILL NO. 404.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 404, A bill to be entitled "An Act to amend Section 9 of Chapter 29 of the Special Laws of the Regular Session of the Twenty-eighth Legislature, being the special road law of Nacogdoches county."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

HOUSE BILL NO. 410.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 410, A bill to be entitled "An Act to amend Section 7 of Chapter 32 of the Laws of the Regular Session of the Twenty-seventh Legislature, as amended by an act of the Thirty-second Legislature, approved March 23, 1911, being an act entitled 'An Act to create a more efficient road system for Clay county, Texas,' and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Johnson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Paulus.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
Lattimore.	Westbrook.
McGregor.	Wiley.

Absent.
Willacy.
Absent—Excused.
Greer. Weinert.
The bill was read third time and passed by the following vote:

Yeas—28.
Astin. Morrow.
Bailey. Murray.
Carter. Nugent.
Collins. Paulus.
Conner. Real.
Cowell. Taylor.
Darwin. Terrell.
Gibson. Townsend.
Hudspeth. Vaughan.
Johnson. Warren.
Kauffman. Watson.
Lattimore. Westbrook.
McGregor. Wiley.
McNealus. Willacy.

Absent.
Brelsford.
Absent—Excused.
Greer. Weinert.

Senator Johnson moved to reconsider the vote by which the bill was passed and lay that motion on the table.
The motion to table prevailed.

HOUSE BILL NO. 63.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 63, A bill to be entitled "An Act to create a more efficient road system for Hopkins county, Texas, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.
Astin. Gibson.
Bailey. Hudspeth.
Brelsford. Johnson.
Carter. Kauffman.
Collins. Lattimore.
Conner. McGregor.
Cowell. McNealus.
Darwin. Morrow.

41—S

Murray. Vaughan.
Nugent. Warren.
Paulus. Watson.
Real. Westbrook.
Taylor. Wiley.
Terrell. Willacy.
Townsend.

Absent—Excused.
Greer. Weinert.

The bill was read third time and passed by the following vote:

Yeas—28.
Astin. McNealus.
Bailey. Morrow.
Brelsford. Murray.
Carter. Nugent.
Collins. Paulus.
Conner. Real.
Cowell. Taylor.
Darwin. Terrell.
Gibson. Townsend.
Hudspeth. Vaughan.
Johnson. Warren.
Kauffman. Westbrook.
Lattimore. Wiley.
McGregor. Willacy.

Absent.
Watson.
Absent—Excused.
Greer. Weinert.

Senator Darwin moved to reconsider the vote by which the bill was passed and lay that motion on the table.
The motion to table prevailed.

HOUSE BILL NO. 40.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 40, A bill to be entitled "An Act to create and establish the county of Kleberg out of a part of Nueces county; prescribing its area and boundaries; appointing commissioners to organize said county and prescribing their duties; providing for a division of said county into commissioners' and justices' precincts; providing for holding county and precinct elections for the election of county and precinct officers, and for holding an election for the purpose of locating the county seat of said county; providing for the attachment of said county to judicial, Representative, Senatorial, Congressional and Supreme Judicial Districts; providing for the terms of the district courts in said county; regulating the venue of certain

cases pending in Nueces county; regulating the service of process and the execution of bonds issued and executed prior to the passage of this act; providing for the assessment and collection of taxes and for the defraying of the expenses of organizing said county and surveying and fixing its boundaries and providing for the payment of the pro rata share of the debt of Nueces county, from which said county is taken; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.
McNealus.	

Absent—Excused.

Greer. Weinert.

The bill was read third time and passed by the following vote:

Yeas—29.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.
McNealus.	

Absent—Excused.

Greer.

Weinert.

Senator Willacy moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 405.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 405, A bill to be entitled "An Act to amend Section 3, Chapter 39, of the Special Laws of 1903, being the special road law for Nacogdoches county; prescribing the duties and enlarging the powers of county commissioners with reference to public roads."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

HOUSE BILL NO. 216.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 216, A bill to be entitled "An Act granting unto the municipal authorities of the city of Austin, Texas, the right to establish, operate and maintain a free public library upon a tract of land consisting of sixty-nine feet by one hundred and twenty-eight feet out of the western portion of the north half of block 101, in the city of Austin, Texas, and changing the designation upon the map of the city of Austin of said tract of land, from church to free public library purposes."

On motion of Senator Darwin, the Senate rule requiring committee reports to lie over for one day was suspended for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

HOUSE BILL NO. 22.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 22, A bill to be entitled "An Act to amend Articles 4621, 4622 and 4624, Title 68, Chapter 3, of the Revised Civil Statutes of the State of Texas, concerning the marital rights of

parties, defining the separate and community property of the husband and wife, conferring upon the wife power to make contracts, authorizing suits on such contracts, repealing Article 4625, Title 68, Chapter 3, of the Revised Civil Statutes of the State of Texas and all other laws and parts of laws in conflict with this act, and declaring an emergency."

The bill was read second time and Senator Hudspeth offered the following amendment:

Amend the bill by striking out all after the enacting clause and insert the following:

Section 1. That Article 4621, Title 68, Chapter 3, of the Revised Statutes be so amended as to read as follows:

Article 4621. All property, both real and personal of the husband, owned or claimed by him before marriage, that acquired afterwards by gift, devise or descent, as also the increase of all lands thus acquired, shall be his separate property. All property of the wife, both real and personal, owned or claimed by her before marriage, and that acquired afterward by gift, devise or descent, as also the increase of all lands thus acquired, shall be the separate property of the wife, but during the marriage the husband shall have the sole management of all such property except as hereinafter provided.

Sec. 2. The personal property of the wife shall not be disposed of or incumbered by the husband without the written consent of the wife, and he shall not withdraw funds being her separate property from the hands of any bank, person or corporation with whom same was deposited or held, without her consent in writing. The real property of the wife shall only be disposed of by the husband and wife as provided by Article 1114, Chapter 24, Revised Statutes of the State of Texas in the year 1911; provided, that should the wife desire to dispose of her personal property, or her real property, it not being a homestead, or should the husband mismanage or dissipate the same, or threaten to do so, or become incapacitated from any cause to properly manage the same she may make application by petition filed in the district court of the county in which such real estate, or part thereof, is situated, or in the county of her domicile in this State, setting forth the fact that she desires to dispose of her property, and that her husband refuses to consent to the same, or that he has mismanaged or dissipated the same, or is about to do so, or that he has become incapacitated to properly manage the same,

and after ten days' notice of the filing of said petition served upon the husband, the court in term time or vacation shall hear said petition, and if upon hearing thereof it shall determine that the disposition of said property is to the best interests of the wife, or is necessary for her maintenance, or for the education or support of her children, or those dependent upon her for support the court shall direct the disposition of same, and shall in its judgment provide that the wife may convey the same without joinder by her husband, and after entry of said judgment the wife may convey the same without joinder by her husband, and the certificate of acknowledgment to such conveyance shall be valid if taken in the form as though she were a feme sole, and thereafter the proceeds of said sale shall be subject to her separate control, as shall all of her property described in said petition.

Sec. 3. Should the husband fail to support the wife or her children in the manner required by their station in life, or should he be dissipating the community property, or threaten to do so, or should he become incompetent to properly manage or control same and preserve the same, in either of such events the wife shall be authorized by petition to the district court of the county of her domicile in this State to set forth the facts or fact hereinabove enumerated, and after ten days' notice of filing of said petition upon the husband the court in term time or vacation, shall inquire into the truth of the allegations in said petition, and if found to be true, shall enter a judgment setting apart to the wife such part of the community property of said husband and wife as the court may determine necessary to protect the interest of the wife therein, not exceeding half of the same, and shall cause a list or inventory of same to be entered of record and shall designate the part so set aside to the wife and thereafter same shall be subject to her management and control and disposition, and under such circumstances the wife's personal earnings shall be her separate property and under her sole control.

Sec. 4. Be it further enacted: That Article 4622, Title 68, Chapter 3, of the Revised Statutes, be so amended as to read as follows:

Article 4622. All property acquired by either husband or wife during the marriage, except that which is acquired by gift, devise or descent, shall be deemed the common property of the husband and wife, and during the coverture may be disposed of by the husband only except as herein provided, and provided fur-

ther that when the husband shall fail to support the wife in the manner that her station in life demands, her earnings shall be subject to her control and she may sue for same in her own name.

Should the husband fail or refuse to support his wife from the proceeds of the lands, money or personal property, she may have, or fail to educate her children as the fortune of the wife would justify, she may, in either case, complain to the district court in the county of the domicile, which, upon satisfactory proof, shall decree that so much of such proceeds shall be paid to the wife for the support of herself and for the nurture and education of her children, as the court may deem necessary.

Sec. 5. When the community property or the separate property of the wife shall have been by order of the court placed under her control, as provided herein, her contracts which are not elsewhere forbidden herein, shall be binding upon her and her coverture shall not be a defense to any suit or action based on such contract, but such suits may be brought in the manner described by Articles 1840 and 1841 of the Revised Statutes of the State of Texas in the year 1911, except that her husband need not join or be joined.

Sec. 6. Be it further enacted that Article 4625, Title 68, Chapter 3, of the Revised Statutes, and all other laws and parts of laws in conflict herewith, be, and the same are hereby repealed.

Sec. 7. The proceeds of any recovery for personal injury to husband or wife shall be the separate property of the party injured.

MORROW.
HUDSPETH.

Pending.

RECESS.

On motion of Senator Carter the Senate, at 12:15 o'clock p. m., recessed until 3 o'clock today.

AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

REPORT OF SPECIAL COMMITTEE WITH REFERENCE TO MEN- INGITIS SITUATION.

Senator Vaughan offered the following report:

Hon. Chester H. Terrell, Speaker of the House of Representatives, and Hon. Will H. Mayes, President of the Senate.

We, your committee appointed in accordance with House Concurrent Resolution No. 14 on February 25, beg to report that having given the subject hearing and investigation, we requested the State Health Officer and the other physicians whose names are signed to the copy of the report attached to this report, to give us their opinion as to the situation confronting us by reason of the prevalence of meningitis, advising us as to the effect of sanitary conditions at the Capitol thereon, and as to the best means to be adopted to protect the members against the danger of contracting meningitis, and said Health Officer and physicians have given us the report in writing hereto attached, which is herewith submitted with statement that in the opinion of the committee there is no such extraordinary condition existing as would justify an adjournment of the Legislature, and we recommend that the precautions advised by said Health Officer and physicians be observed.

VAUGHAN, Chairman.

WILLACY.

LATTIMORE.

CARTER.

BRELSFORD.

On part of the Senate.

MANGUM.

ALLISON.

On the part of the Senate.

Austin, Texas, February 25, 1913.

To the Hon. E. P. Mangum, Chairman of the Joint Committee of the Senate and the House of Representatives, City.

Dear Sir: We, the undersigned physicians, appointed by your joint committee under this resolution:

"Moved, That this joint committee request that State Health Officer Dr. Ralph Steiner, and the other physicians who have been before the committee this afternoon to give us their opinion upon the situation confronting the Legislature by the prevalence of meningitis in Austin, advising us fully as to the effect of sanitary conditions of the Capitol, and advising us as to what is best to be done to avoid the danger to members of contracting meningitis," beg leave to report as follows:

We are of the opinion that the meningitis situation at Austin is without cause for undue alarm. There have been 41 cases in Austin during the past two years, and at no time has the disease assumed epidemic proportions.

There were 21 cases in January and February of 1913, with four deaths, two of which were among the Legislators. Five members acquired the disease. The apparent pro rata increase occurring in the House is to be accounted for, in our opinion, by the fact that the members came from all parts of the State and represent the entire population of Texas, thereby increasing the probability of "carriers."

We are of the opinion that the sanitary condition of the House had no bearing on the production of this particular disease, but that it was due to a "carrier" or "carriers" among the Legislators, employes or visitors.

We believe that the members of the Legislature are in no more danger from assembling in the Capitol than they would be in assembling in any other building in Austin or city in Texas. While we confessedly admit epidemic meningitis to be a cold weather disease and the members obviously in more danger now than during the summer months, we are of the opinion that if the members of the Legislature are properly vaccinated with anti-meningitis vaccine, thereby diminishing individual susceptibility and limiting "carriers," there would be no necessity of adjourning on the ground of health conditions.

RALPH STEINER,

Chairman.

R. M. WICKLINE,
F. P. McLAUGHLIN,
J. M. McLAUGHLIN,
G. H. WOOTEN,
J. S. WOOTEN,
MORRIS BOERNER.

The above report was read, and Senator Vaughan moved that same be adopted on part of the Senate.

Senator Townsend moved, as a substitute, that the report lie on the table until after the House had acted on a similar report.

Senator Collins moved to table the substitute motion, which motion to table prevailed.

Action recurred on the report and the same was adopted.

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Darwin:

Whereas, Mr. Frank Putnam of Houston, Harris county, Texas, desires to be appointed to a position in the foreign service of the United States government under the jurisdiction of the State Department; and

Whereas, Mr. Putnam is possessed of excellent endowments for the service to which he aspires, being a cultured, scholarly and experienced man in literature and newspaper service; also, having traveled largely through foreign lands and made a study of industrial and civic conditions, not only in his own country, but in numerous foreign cities and industrial communities; therefore, be it

Resolved, That we, the undersigned members of the Texas Senate, recognizing his eminent qualifications and thorough fitness, do hereby endorse Mr. Frank Putnam for the position of United States Consul to the city of Bremen, Germany, and ask for his appointment to that position under the incoming administration of President-elect Woodrow Wilson.

Bailey, Watson, Conner, Westbrook, Taylor, Johnson, Cowell, Wiley, Vaughan, Collins, Kauffman, Willacy, Nugent, Astin, Darwin, McGregor, Murray, Carter, Townsend, McNealus, Morrow, Paulus, Warren, Brelsford, Gibson, Lattimore, Hudspeth, Terrell.

The resolution was read and adopted.

HOUSE BILL NO. 22.

Action recurred on the pending business, House bill No. 22, the question being on the amendment by Senator Hudspeth.

Senator Lattimore made the point of order that the amendment was a committee substitute for a Senate bill now on the calendar of the Senate and was not germane as an amendment to a House bill and was in conflict with the rules of the Senate, citing Rule 22a.

The Chair, Lieutenant Governor Mayes, sustained the point of order.

Senator Hudspeth appealed from the ruling of the Chair, and President Pro Tem. Lattimore was called to the chair and presided.

Pending a short discussion, the Chair, Lieutenant Governor Mayes, took the chair, and stated that he would reverse his ruling, feeling that he was wrong, and overruled the point of order.

Action recurred on the amendment.

ADJOURNMENT.

On motion of Senator Gibson, the Senate, at 6:25 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, February 26, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Contingent Expenses, to whom was referred simple resolution, reading as follows,

Whereas, Some forty odd State Legislatures are now in session and many of the bills pending in them would be of value to the members of this body if rendered accessible by being placed in the State Library; and

Whereas, The State Librarian has entered into tentative arrangements with a number of State libraries of other States for a mutual exchange of printed bills and other publications of the Legislature; therefore, be it

Resolved, That there be printed a sufficient number of copies of all bills that may hereafter be ordered printed, and of the daily Journal, and that the Sergeant-at-Arms be instructed to turn over to the State Library forty copies of each printed bill and ten copies of the daily Journal of each day for the use and purposes indicated above,

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it be adopted, and be not printed.

WARREN, Chairman.

The above report was read, and on motion of Senator Westbrook the same was adopted.

Committee Room,

Austin, Texas, February 26, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Public Buildings and Grounds, to whom was referred

House bill No. 216, A bill to be entitled "An Act granting unto the municipal authorities of the city of Austin, Texas, the right to establish, operate and maintain a free public library upon a tract of land consisting of sixty-nine feet by one hundred and twenty-eight feet, north half of block 101 in the city of Austin, Texas, and changing the designation upon the map of the city of Austin of said tract of land from church to free public library purposes,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

DARWIN, Chairman.

Committee Room,

Austin, Texas, February 26, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Public Buildings and Grounds, to whom was referred Senate bill No. 28, A bill to be entitled "An Act to erect memorials to commemorate the unselfish devotion to duty, exalted patriotism and heroic services of Texas soldiers during the war between the States; to provide and create a commission to carry out the provisions of this act and to make an appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the accompanying amendments.

Amend the bill by adding after the word "shall" in line 4, of Section 1, the following: "Have erected at Winchester, Va., a monument to the memory of the soldiers of Texas who are buried at Winchester, Va., who were killed during the Civil War."

Amend the bill by adding before the word "that" in line 1, of Section 7, the following: "That the sum of \$10,000 is hereby appropriated for the purpose of erecting said monument to the memory of the Confederate dead at Winchester, Va."

Amend the bill by adding after the word "the," and before the word "provisions," in line 2, of Section 7, the word "further."

DARWIN, Chairman.

Committee Room,

Austin, Texas, February 26, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Public Buildings and Grounds, to whom was referred

Senate bill No. 245, A bill to be entitled "An Act to erect a monument to the memory of the soldiers and veterans of the Mexican War in the Capitol grounds; providing appropriation therefor, providing for committee to supervise the work, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DARWIN, Chairman.

Committee Room,

Austin, Texas, February 26, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No.

2. to whom was referred Senate bill No. 155, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that the accompanying substitute do pass in lieu thereof.

CONNER, Chairman.

Committee Substitute for House Bill No. 155.

A BILL

To Be Entitled

An Act to regulate and supervise the sale and purchase in this State, all stocks, bonds or other obligations of private, foreign and domestic corporations, organized or proposed to be organized for profit; and to regulate and supervise the offering or contracting for sale and purchase of such stock, bonds or other obligations of such corporation, or proposed corporation; and fixing commission and promotion fees allowed to be charged, and providing for service of process, examination fees, and exempting certain corporations from the effect of this act, providing penalty for the violation of the provision hereof, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Every private corporation, foreign or domestic, which has been, is now being, or may hereafter be, or attempted to be organized for profit, which shall directly or indirectly, through itself, its agents or employees, or through any person or association of persons, holding companies, sales companies, or otherwise in this State sell or contract to sell any stock, bonds or other obligations, of such corporation, or proposed corporation, upon which sale or proposed sale, or contract of sale, any part of the proceeds derived, or to be derived therefrom are used or to be used, directly or indirectly, for the payment of any commission, promotion, organization fee or other expenses, incident directly or indirectly to the organization of such corporation, or proposed corporation, except attorneys' fees, charter fees and permit fees, shall be subject to this act.

Sec. 2. This act shall also apply to any mining corporation, or proposed mining corporation, or other development corporation, or proposed development corporation in which any land or mineral or thing of value is to be procured from, in or under such land that is, or is to be placed as an asset with or

in the corporation, or proposed corporation, whether there is any promotion fee charged or not. It being conclusively presumed that the promotion expenses have been provided for in the valuation of the land and its product.

Sec. 3. Before offering for sale, or contracting to sell, directly or indirectly, any stock, bond or obligation, such corporation, or proposed corporation shall file under oath in the office of the Commissioner of Insurance and Banking of this State, together with a filing fee of twenty dollars, the following documents:

A statement showing in full detail the plan upon which it possesses to transact business; a copy of all forms of contracts, to be taken or given by it; a copy of all stocks, bonds or other obligations, to be taken or given; the name, location and domicile of such corporation, and the names of the officers, or proposed officers, the incorporators or proposed incorporators and promoters, and their address. The amount of the capital stock, or proposed capital stock; the amount of bonds and obligations issued, or proposed to be issued; and such other information touching its affairs as the commissioner may require. If it shall be a corporation organized under the laws of any other jurisdiction, it shall file a copy of the laws of such jurisdiction under which it is incorporated, together with a copy of its charter, and such other evidences of its authority as the Commissioner may require. Such corporation, foreign or domestic, organized, or to be organized, or proposed to be organized, shall file with the above information its application, under oath, signed by the directors, or proposed directors or promoters, for a permit from said Commissioner to sell its stocks, bonds or other obligations, or to contract to sell its stocks, bonds or other obligations, as the case may be, which said application shall state that the information furnished said Commissioner as herein provided for that would effect the legality or security of the stocks, bonds or obligations of such corporation, or proposed corporation. Said application shall also state the commission, promotion fee or other incidental expenses proposed to be charged for the organization of such company, or proposed company. If the concern comes under Section 2 hereof, it shall state the purchase price of the land which is to become the asset of such corporation, or proposed corporation, and the Secretary of State shall not issue to any foreign corporation a permit to

do business in this State, nor any charter to any domestic corporation which has been organized in violation of this act.

Sec. 4. The Commissioner of Insurance and Banking, upon receipt of the information as provided for in Section 3, shall forthwith take the matter of granting a permit to such concern under advisement, and shall together with the Secretary of State of the State of Texas, and if they cannot agree as to whether permit should be granted under the provisions in this act, they shall call into consultation the Attorney General of the State of Texas, and the Attorney General, the Secretary of State, and the Commissioner of Insurance and Banking shall then determine whether such permit shall be by the Commissioner of Banking and Insurance issued to such concern or promoters. No permit, however, shall be granted, unless at least two of the above named parties shall be satisfied after full investigation that there is no legal or constitutional reason why the same shall not be permitted to do business in this State, and unless they are satisfied that said corporation, or proposed corporation or its promoters, is a legitimate concern, fairly and honestly conducted and to be conducted, and that the stocks, bonds or obligations of the same, proposed to be placed upon the market, are a reasonably safe investment, shall any permit be granted, nor shall any permit be granted where the commission, promotion fee or other incidental expenses incident to the organization of such company shall be more than 15 per cent of the stocks, bonds or obligations of such company actually sold to bona fide purchasers of the same. The promotion fee shall be paid to the promoter as the stocks, bonds or obligations sold by him upon which the same is due are paid for by the purchaser, and the signing of note or contract by the purchaser shall not be considered payment. Nor shall any permit be granted unless it shall appear upon the subscription lists and contracts taken and given by such corporation or proposed corporation or promoters in bold type the amount of the promotion fees and other incidental expenses incident to the organization of said concern, and the interest of the officer, agent or employe or promoter selling, or contracting to sell stocks, bonds and obligations of such concern in said promotion fees or incidental expenses; nor shall such permit be granted until the applicants therefor have entered into a bond in not less than one thousand dollars nor

more than one hundred and fifty thousand dollars, the same to be fixed by the commissioner at ten per cent of the capital stock issued, or proposed to be issued, by such concern, provided that the amount of said bond shall not be less than the minimum, nor more than the maximum amount above provided for, payable to the Commissioner of Insurance and Banking of the State of Texas or his successors in office; conditioned that the facts set forth in the application for such permit, and the proof and statements offered to such commissioner upon which said application is based is true, and that they, their agents, employes, trustees and promoters, and each of them will honestly conduct the affairs and business of such corporation or proposed corporation as the case may be, and will comply with the provisions of this act. The bond herein provided for may be made by said parties with individual sureties or surety companies authorized to do business in Texas, and shall be approved by the commissioner.

Sec. 5. If after investigation a permit is refused by the Commissioner, and the applicant is not satisfied, he may bring suit by mandamus or otherwise in the district court of Travis county, to require said commissioner to issue such permit, and if it be determined by final judgment in such suit that the applicant or promoters have complied with all the requirements of this act, and that he is entitled under the law, and the facts, and the provisions of this act to have such permit, then, and in that event the Commissioner shall issue same.

Sec. 6. Any person who has been induced to part with any money or other thing of value to such corporation, or proposed corporation, its officers, agents, employes, promoters or trustees, by reason of any false or fraudulent representation of either of any of such persons or officers, shall have the right to bring suit upon the bond above provided for, and said bond shall be subject to, and security for, such person so parting with his property; provided, however, that said money, or thing of value, was parted with in consideration, of some stock, bond or obligation, or contract for such stock, bond or obligation of such corporation, or proposed corporation; and further conditioned that no recovery upon such bond shall exceed the actual value of the money for property parted with, together with legal interest from the date that said property was parted with. One or more recoveries upon such bond shall not vitiate same, but it shall

remain in full force and effect the same as if such recovery or recoveries had not been had, but no recoveries upon such bond shall ever exceed the full amount of same, and upon suit being filed upon said bond, the Commissioner may require a new bond, and if same is not given he may cancel the permit herein provided for. If successive suits pending at any one time shall be for an amount more than the full amount of bond, then in that event the parties recovering upon such suits shall pro rate in proportion to the recoveries by them had. Whenever any permit, as herein provided for has been issued, the corporation, person or persons receiving the same shall file a list of the names of it or their authorized agents and employes, and the post-office address of each with the Commissioner, thereafter whenever the officers, proposed officers or promoters, or organizers of such corporation or proposed corporation shall desire to discharge or employ any person, or association of persons engaged, or to be engaged in the taking of contracts for the sale, or in the sale of the stocks, bonds or obligations of such corporation or proposed corporation, or shall collect for the sale or upon contract of sale of such stocks, bonds or obligations shall before doing so furnish the name of such employe or discharged employe to the Commissioner of Insurance and Banking of the State of Texas, and the Commissioner upon receipt of such information shall enroll or strike from the roll of employes or agents of said corporation the name of the party so discharged or employed, and upon request shall, if such proposed employe is found to be of good moral character, issue to such agent or employe a permit to engage in the occupation of selling stocks, bonds and obligations, or enter into contracts for the sale of stocks, bonds and obligations of such corporation, or proposed corporation, for which permit the Commissioner shall charge a fee of \$1.00, and each permit in this act provided for shall expire on the first day of March after the date of same, unless the same is before that time canceled by the Commissioner, as is herein provided. Every person who with the knowledge of such corporation or proposed corporation, its officers or proposed officers, or promoters shall sell or contract to sell stocks, bonds or obligations for such corporation or proposed corporation shall be held to be the agent of the same in the meaning of this act.

Sec. 7. All moneys or other things of value, collected by any such corporation from the sale of any stocks, bonds

or obligations, or upon any contracts for the sale of its stocks, bonds or obligations shall be by said corporation, or the officers already organized, deposited with the proper officers of such corporation or with the trustee of such corporation or proposed corporation, except the amount allowed for promotion and other incidental organization fees herein provided for.

Sec. 8. All such corporation, and the organizers of such proposed corporation, shall keep a set of books in a good businesslike form, which shall show the amount of money, or other thing of value received by such corporation or proposed corporation from the sale of its stock, bond or obligation, or from contracts of sale of its stock, bonds or obligation, and said books shall show the number and amounts of the contracts for the sale of such stock, bonds or obligations, and by whom sold, or contracted to be sold, and the postoffice address of each. Said books shall be open at all times for inspection by the Commissioner of Banking and Insurance, or his authorized agent, and said commissioner, or his agent, shall at all times have free access to the same.

Sec. 9. The Commissioner of Banking and Insurance may, at any time he and the Secretary of State and the Attorney General or any two of them, shall decide that said corporation, its officers, agents and employes, or the organizers or promoters of any corporation, or proposed corporation, are not living up to and complying with the terms of this act, cancel any permit issued to such corporation or proposed corporation, its officers, agents or employes, but the holder of such permit so canceled may apply to the court in the same manner as herein provided for them to apply where a permit had been refused, and have said canceled permit renewed, or a new permit granted.

Sec. 10. No permit shall ever be issued as herein provided for to any foreign corporation which could not under the facts and circumstances and conditions of its incorporation have procured a charter under the laws of Texas.

Sec. 11. Each foreign corporation or proposed corporation desiring to sell or contract to sell its stocks, bonds or obligations in this State shall first file with the Commissioner of Insurance and Banking a like power of attorney, to that provided for life insurance corporations in Article 4773, Revised Civil Statutes of the State of State, 1911, and service may be had upon the corporation and the Commissioner as there-

in provided for, and the Commissioner, upon receipt of such process as is therein provided for, shall proceed as is provided for him to do in Article 4774, Revised Civil Statutes of the State of Texas of 1911, and the Commissioner's acts and conduct in regard to such power of attorney, and such process shall be the same as is provided for in said Articles 4774 and 4773. and the effect, force and result of such acts shall be the same as therein provided for.

Sec. 12. It shall hereafter be unlawful for any officer, agent or employee or trustee, or holding company, or sales agents, or person, or association of persons in this State to sell, or offer to sell, or contract to sell, directly or indirectly, for such concern, any stock, bond or other obligation of any corporation, or proposed corporation, subject to this act, which has been, proposed to be, is now being, or may hereafter be organized for profit without first complying with the provisions of this act, and any person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars, nor more than two thousand dollars; and in addition thereto may be imprisoned in the county jail for any period not more than one year, or by both such fine and imprisonment.

Sec. 13. Any suit brought upon the bond herein provided for, for a violation of any of the provisions of this act may be brought in the county where the plaintiff lives or in the county where either of the defendants live, or in Travis county, Texas.

Sec. 14. This act shall be construed as cumulative of any other law or laws of this State, and shall not be construed as repealing any law.

Sec. 15. The terms of this act shall not apply to any national bank organized, or that may hereafter be organized, under the laws of the United States, or to any State bank organized, or that may hereafter be organized, under the laws of the State of Texas; provided, that such bank, its agents or employees, does not directly or indirectly act as the agent or trustee, or holding company, or sales company, or promoter in the promotion of any concern which is included under the terms of this act, nor shall the terms of this act apply to any corporation organized under the laws of Texas which does not sell, or contract to sell, its stock, bonds or obligations to more than

twenty-five bona fide purchasers; provided, it does not act as the agent or trustee, or holding company, or sales company in the promotion of any concern which is included under the terms of this act; and provided, further, that the stockholders of such corporation here exempted shall not act as the agent or promoter of such corporation in the sale, or contracting to sell, the stock, bonds and obligations of such corporation here exempted that were by him received as one of the stockholders of such corporation here exempted. Nor shall this act apply to any railroad company, or railway company, or inter-urban railroad and railway company, or street railroad or railway company.

Sec. 16. If any part of this act shall ever be held to be unconstitutional, the balance of this act shall remain in full force and effect. If this act shall be held to be unconstitutional by reason of any of the exemptions provided for in Section 15, said exemption shall be construed to be null and void, and the concern sought to be exempted shall be held to be subject to this act.

Sec. 17. All moneys collected under the terms of this act by the commissioner shall be quarterly deposited by him with the State Treasurer and credited to the general fund. Whenever the Commissioner shall deem it necessary to examine the books of any concern, or investigate its financial condition, he shall do so at the expense of the concern under investigation, and the concern being investigated shall pay to the Commissioner, or his agent making the investigation, his actual expenses, which shall include railroad fare and other traveling expenses, hotel bills, and seven dollars and fifty cents per diem for such investigation, which said expenses shall be paid at the termination of such investigation by the concern investigated.

Sec. 18. The fact that there is no law in this State regulating the sale of stocks, bonds or obligations of numerous corporations which are selling such stock, bonds and other obligations throughout this State, many of which are worthless, and the fact that the people of this State are being imposed upon by unscrupulous persons selling such worthless stock, bonds and other obligations creates an emergency, and an imperative public necessity that the constitutional rule providing that bills shall be read on three several days be suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, February 26, 1913.
Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 198, A bill to be entitled "An Act to amend Article 1162 of Chapter 3, Title 25 of the Revised Civil Statutes of 1911 conferring on corporations the power to borrow money, the purpose of the amendment being to permit corporations to borrow in excess of the amount of their authorized capital stock, and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,
Austin, Texas, February 26, 1913.
Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 306, A bill to be entitled "An Act prohibiting carnal intercourse of a father with his son's wife, and providing penalty therefor, and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,
Austin, Texas, February 26, 1913.
Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 314, A bill to be entitled "An Act to prohibit any retail dealer in spirituous, vinous or malt liquors or medicated bitters from locating or operating his place of business, and from selling any spirituous, vinous or malt liquors or medicated bitters within two miles of any local option line or boundary of any territory in which local option is in force unless the same shall be within the corporate limits of an incorporated city or town; providing a penalty therefor, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,
Austin, Texas, February 26, 1913.
Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 291, A bill to be entitled "An Act for the protection of the wild game, wild fowl and wild birds of this State; providing that sheriffs and deputy sheriffs shall be ex-officio game wardens; providing a penalty for the violation of this act, and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,
Austin, Texas, February 26, 1913.
Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 307, A bill to be entitled "An Act to amend Article 490, Title 10, Chapter 3, of the Revised Criminal Statutes of Texas, 1911, entitled, 'adultery defined,' so as to eliminate the word 'habitual,' and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

CONNER, Chairman.

Committee Room,
Austin, Texas, February 26, 1913.
Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 345, A bill to be entitled "An Act to amend Chapter 1, of Title 10, of the Penal Code of the State of Texas, adopted at the Regular Session of the Thirty-second Legislature, 1911, by adding Article 485a, providing that if any person shall falsely assume or pretend to be a minister of the Gospel, Jewish rabbi, judge of the district or county court, justice of the peace or other judicial or ministerial officer, and while so falsely pretending to act as such shall perform a pretended or mock marriage ceremony, or who is present at such ceremony and has knowledge of such false pretense, he shall be guilty of a felony; and providing for punishment therefor,"

Have had the same under consideration, and I am instructed to report

same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,
Austin, Texas, February 26, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 292, A bill to be entitled "An Act to prevent the taking and using of bicycles, automobiles and other motor vehicles, and the theft of same, or any part thereof, or the disfiguring, damaging or in any way impairing any bicycle or other motor vehicle, and to prevent any person from knowingly purchasing any stolen bicycle or other motor vehicle, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,
Austin, Texas, February 26, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 297, A bill to be entitled "An Act making it a criminal offense, punishable by fine, for any person in this State, pursuing the business or occupation of a peddler, hawker or itinerant vendor of goods, wares and merchandise, to wilfully refuse to leave the premises owned or leased by another, after being notified by the person, or agent of the person, owning or in possession of such premises, to leave such premises,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,
Austin, Texas, February 26, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 347, A bill to be entitled "An Act defining hotels, public inns, hotels, lodging houses and places where sleeping and food accommodations are furnished for hire, and relating to the obtaining of board and lodging therein under false pretenses, and prescribing

penalties for the violation thereof, and relating to the lien of such inn, hotel, boarding, eating house keeper for board and lodging, with an emergency clause,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

CONNER, Chairman

Committee Room,
Austin, Texas, February 26, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 286, A bill to be entitled "An Act making it a misdemeanor, punishable by fine, for any person in this State pursuing the business or occupation of a peddler, hawker or itinerant vendor of goods, wares and merchandise, to wilfully refuse to leave the premises owned or leased by another, after being notified by the person or agent of the person owning or in possession of such premises to leave such premises,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,
Austin, Texas, February 26, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 304, A bill to be entitled "An Act empowering the city commission or city council of any city or town in the State to prescribe the districts within which intoxicating liquors may be sold within such city or town, and prescribing penalties for the violation of this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,
Austin, Texas, February 26, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 318, A bill to be entitled "An Act to amend Articles 1180 and 1181, Chapter 2, of the Revised Criminal Statutes of the State of Texas, defining slander, fixing the penalty therefor, pre-

scribing the method of procedure in prosecutions therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,

Austin, Texas, February 26, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 303, A bill to be entitled "An Act to amend Article 257, Chapter 2, Title 6, of the Penal Code of the State of Texas of 1911, relating to and prescribing penalties for corporations or officers thereof, who, directly or indirectly, furnish, loan or give any money or thing of value to aid those who manage the political campaign, manager, or to any particular candidate or person, to promote the success of such candidate for public office, and to apply the provisions of said article to all persons and corporations required to obtain a permit or a license from the State to do business in this State,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,

Austin, Texas, February 26, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 355, A bill to be entitled "An Act to amend Article 6625, Title 115, Chapter 11, Revised Statutes, Acts of 1889, as amended by Special Session of 1910, by striking therefrom the words, 'nor shall the main track of any railroad once constructed and operated be abandoned or moved,'"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with amendments:

Amend caption of bill by striking out the words "Acts of 1889 as amended Special Session 1910," and inserting in lieu thereof the following: "1911," and by inserting the word "Civil" between the word "Revised" and the word "Statutes" in said caption, and by striking out the word "the" before the word "words" in said caption, and inserting

in lieu thereof the word "certain," and by striking from said caption the words "nor shall the main track of any railroad once constructed and operated be abandoned or removed," and by adding after the word "respect" in the last line of page 1 of the bill the following: "nor shall the main track of any railroad once constructed and operated be moved except when such track has been in disuse for as much as five years previous to January 1, 1913."

KAUFFMAN, Chairman.

Committee Room,

Austin, Texas, February 26, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 180, A bill to be entitled "An Act to authorize railway and other transportation companies generating power and having a surplus, to sell same,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with amendment:

"And provided further that the city councils of said such incorporated towns and cities so provided with such power, or the inhabitants thereof, and the commissioners court of said counties where such power is furnished to any person, firm or corporation of such county and not located in an incorporated town or city, shall have the right to regulate the charges for such power so furnished."

KAUFFMAN, Chairman.

Committee Room,

Austin, Texas, February 26, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 342, A bill to be entitled "An Act to amend Article 854, Revised Statutes 1911, by adding Articles 854a and 854b, authorizing the sale and conveyance by cities and towns of public squares or parks, and providing for the investment of the proceeds of such sales, and the closing for exclusive use temporarily or perpetually, by any railroad company or other corporation having power of eminent domain, in any part or parts of any street or streets, alley or alleys, and to ratify or confirm any prior ordinance closing any street or streets, alley or alleys, or part or parts thereof, for the use of any railroad company or

such other corporation; submitting the sale of public squares or parks or the closing of a street or alley or the part or parts of the street or alley to the vote of the qualified voters, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CARTER, Chairman.

Committee Room.

Austin, Texas, February 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 220, A bill to be entitled "An Act to authorize the qualified voters of any county or political subdivision thereof in this State to determine, by an election to be held for that purpose, whether or not pool rooms or pool halls shall be prohibited in such county or subdivision thereof; to provide the manner of holding elections for such purpose and declaring the result thereof; defining the term pool room or pool hall, and providing a penalty for the violation of the provisions of this act, and providing that after such county or subdivision thereof has prohibited by vote the running of pool rooms or pool halls the county attorney of such county, or the district attorney of the district in which such county is located may, by injunction prohibit the running of such pool rooms or pool halls, and declaring an emergency."

And find the same correctly engrossed.
BRELSFORD, Chairman.

Committee Room,

Austin, Texas, February 26, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 165, A bill to be entitled "An Act to amend Articles 138, 150, 151, 152, 154, 155, 156, 157, 159, 160, 161 and 165 of Chapter 1, Title 10, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-second Legislature, 1911, relating to the admission of patients into the insane asylums of Texas, and judicial proceedings in lunacy cases, providing for the trial of persons alleged to be insane by a Medical Commission to be appointed by the county judge, unless a jury be demanded as herein provided for;

providing further for the filing of a sworn report with recommendations by the Medical Commission with the county clerk, answering specific questions relative to the patient, and providing if tried by jury for findings by the jury on certain special issues, relating to the verdict of the jury; to the judgment of the court, repealing all laws in conflict herewith, and declaring an emergency."

And find the same correctly engrossed.
BRELSFORD, Chairman.

Committee Room,

Austin, Texas, February 26, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 268, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts; providing for two additional districts to the number now provided for; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

And find the same correctly engrossed.
BRELSFORD, Chairman.

PETITIONS AND MEMORIALS.

By Senators McNealus and Gibson:

Petitions numerously signed, respectively by members of the Brotherhood of Railway Trainmen of Smithville, Texas, and by members of Fannin County Farmers' Union endorsing enactment of bill permitting the M. K. & T. Ry. Co. to consolidate certain lines with its system.

By Senator McNealus:

Petitions signed respectively by citizens of Coppel, Texas, and by officers of the Sherman Chamber of Commerce endorsing and asking that Senator McNealus' anti-pollution bill be passed.

By Senator Carter:

Petition signed numerously by citizens of Marshall expressing favor towards House Joint Resolution No. 28, and asking that same be passed.

By Senator Bailey:

Petition numerously signed by citizens of Waller county, Texas, protesting against legislative assessment of high licenses against rural wagon peddlers of medicine.

By Senator McNealus:

Memorial signed by E. G. Santer, chairman committee representing former

students of A. & M. College, attesting that the Directors of the College had refused a hearing on certain points alleged to be important in the adjudication of the College student troubles, and requesting that the Legislature take such action as will accord justice to all concerned.

The memorial was referred to Committee on Finance.

THIRTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,
Thursday, February 27, 1913.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Morrow.
Bailey.	Murray.
Carter.	Nugent.
Collins.	Paulus.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.

Absent.

Brelsford.

Absent—Excused.

Greer.

Weinert.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending further reading of the Journal of yesterday, on motion of Senator Taylor, the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senator Nugent:

Senate bill No. 370, A bill to be entitled "An Act to amend Title 51, Chapter 15, of the Revised Civil Statutes of the State of Texas, relating to guardianship of persons of unsound mind and habitual drunkards, so as to add thereto Articles 2742a and 2742b; providing for the partition and distribution of the estates of persons of unsound mind by their lawful

heirs at law, where it is made to appear that such person of unsound mind is permanently insane and that the estate of such person consists of property of greater value than is necessary for the support and maintenance of such person of unsound mind, out of the income and profits thereof, and the reasonable expenses of legal proceedings in connection therewith; providing for procedure in such cases where partition and distribution is sought; determining the manner by which such partition and distribution may be had; providing who shall inherit such estates, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senator Townsend:

Senate bill No. 371, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experiment station at or near Lufkin, in Angelina county, Texas, for the purpose of conducting experiments in fruits, vegetables, grains and other farm crops, and studying soil problems in Angelina county and contiguous counties in the East Texas region, and disseminating useful information, making necessary appropriation therefor, and declaring an emergency."

Read first time and referred to Committee on Agricultural Affairs.

By Senator Westbrook:

Senate bill No. 372, A bill to be entitled "An Act to amend Article 4610, of Chapter 1, Title 68, Revised Civil Statutes of 1911, providing that all persons desirous of marrying in this State shall procure a license authorizing its celebration, and declaring all marriage contracted, entered into or celebrated in any other manner null and void."

Read first time and referred to Judiciary Committee No. 1.

EXECUTIVE MESSAGE.

Governor's Office,
Austin, Texas, February 27, 1913.

To the Texas State Senate:

In 1895 an appeal was made to the Texas Legislature for relief to purchasers of public school lands. On account of the drouths which had prevailed theretofore for a number of years, it was contended that the purchasers of these lands were unable to meet the interest charges and annual payments. The Legislature harkened to the appeal then made and passed an